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OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Gerard R. LAZO et al.
Application No. 10/734,366
Filed: December 12, 2003
Attorney Docket No. **0094.03**

This is a decision on the petition, filed February 11, 2009, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is "The Regents of the University of California" and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to "The Regents of the University of California".

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

¹ See MPEP 1309, subsection II and Official Gazette of June 22, 2004

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

The form PTO/SB/44 was not submitted with the petition.

A review of Office database assignment records reflects that an assignment to The Regents of the University of California has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that The Regents of the University of California was an assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

Inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.



Thurman Page
Petitions Examiner
Office of Petitions